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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 24 May 2007 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006), and has the honour to attach its report pursuant to resolution 1747 (2007) on the steps taken by the Government of Denmark to implement paragraph 8 of the above-mentioned resolution (see annex).

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Annex to the note verbale dated 24 May 2007 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

Denmark has the honour of informing the Security Council of the following steps taken with a view to implementing the provisions of paragraphs 2, 4, 5, 6 and 7 of Security Council resolution 1747 of 24 March 2007:

The restrictions on admission of the individuals specified in paragraph 2 of the resolution as well as its annex I and of additional persons designated by the Security Council or the Committee will be implemented in accordance with existing legislation, i.e. the Danish Alien Act and EC regulation 539/2001 with subsequent amendments, according to which Iranian citizens must be in possession of a visa when crossing the external borders of the European Union.

Concerning paragraph 4 regarding the freezing of funds, other financial assets and economic resources, which specifies that the measures in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall also be applied to the persons and entities listed in annex 1 to that resolution, Denmark recalls that on 27 February 2007 the Council of the European Union approved Common Position 2007/140 regarding Security Council resolution 1737 on Iran. On 19 April 2007, the European Union took the necessary urgent measures of implementing in the field of exclusive jurisdiction of the European Union the Common Position by adopting Council Regulation 423/2007.

In order to take account of resolution 1747, the European Union on 23 April 2007 adopted Common Position 2007/246 amending Common Position 2007/140, providing the necessary legal basis for applying the restrictive measures to the persons and entities listed in the annex of that resolution.

Regarding paragraphs 5 and 6 on restrictions on the sale of arms to Iran, the Danish Government would like to inform on the following steps taken:

According to section 6 of the Danish Weapons Act, it is prohibited, without a specific license from the Minister of Justice, to export weapons of any kind and defence-related material etc. Section 6 applies to any situation where items are transferred from Denmark to a third country no matter whether the transfer takes place in relation to export, transit, trans-shipment or re-export. Export licenses will not be issued to countries in violation of Security Council resolution 1747.

According to section 7 b of the Danish Weapons Act, it is likewise prohibited, without a specific license from the Minister of Justice, as a broker to negotiate or arrange transactions that involve the transfer of weapons etc., as defined in section 6, between countries outside the EU. Furthermore, it is prohibited to buy or sell weapons etc., as defined in section 6, as part of a transfer between countries outside the EU, or, as the owner of the weapons et., as defined in section 6, as part of a transfer between countries outside the EU, or, as the owner of the weapons etc., to arrange such a transfer. Concerning brokering between another EU member State and Iran, Denmark is in the process of taking additional national measures in order to explicitly include such an act as punishable as a criminal offence.

Furthermore, according to section 7 a of the Danish Weapons Act, it is prohibited to transport weapons of any kind and defence-related material etc. between third countries (i.e. other countries than Denmark), when the recipient

country is listed in the Government Order on Transportation of Weapons etc. between Third Countries. The list includes all countries that are under a United Nations, EU, or OSCE arms embargo. A revised Order adding Iran to the list took effect on 2 May 2007.

Violation of the above-mentioned rules is a criminal offence punishable by fine or imprisonment, cf. Danish Weapons Act Section 10 and, in aggravating circumstances, section 192 (a) of the Danish Criminal Code.

Regarding paragraph 6, on the prohibition of any technical assistance or training, financial assistance, investment, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of such item, as noted above Common Position 2007/246 was approved on 23 April 2007 to take into account resolution 1747. In line with this resolution, the amendment provides, inter alia, for the application of an embargo on the export of arms and related material to Iran and on the provision of related technical and financial assistance, financing, investment and brokering services, as well as a ban on the import of arms and related materiel from Iran.

Preparations are under way to adopt without delay a Council Regulation with the purpose of aligning Council Regulation 423/2007 to amended Common Position 2007/140. The text has been finalized at working level and will be adopted by the Council as soon as the draft has been translated into all official languages of the European Union. Further information will be provided to the Security Council, once the Council Regulation has formally been adopted.

Regarding paragraph 7, Common Position 2007/246 stipulates that EU member States shall not enter into new commitments for grants, financial assistance and concessional loans to the Government of Iran, including through their participation in international financial institutions, except for humanitarian and development purposes.

As mentioned above, preparations are under way to adopt without delay a Council Regulation with the purpose of aligning Council Regulation 423/2007 to amended Common Position 2007/140.

Please note that under general European law principles, a Council Regulation is directly applicable in Denmark without the need for domestic implementing legislation. Nevertheless, Denmark will carefully consider whether there is a need to take additional measures nationally.